

Chapter 432

1991 EDITION

Vital Statistics

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**VITAL AND PUBLIC HEALTH
STATISTICS SYSTEM; STATE, COUNTY
AND LOCAL REGISTRARS**

432.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Assistant director" means the Assistant Director for Health.

(2) "Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred.

(3) "Division" means the Health Division of the Department of Human Resources.

(4) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

(5) "File" means the presentation of a vital record provided for in this chapter for registration by the Vital Statistics Unit.

(6) "Final disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus.

(7) "Induced termination of pregnancy" means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

(8) "Institution" means any establishment, public or private, which provides inpatient medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which persons are committed by law.

(9) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(10) "Physician" means a person authorized or licensed under the laws of this state to practice medicine, osteopathy, chiropractic or naturopathy.

(11) "Registration" means the acceptance by the Vital Statistics Unit and the incorpo-

ration of vital records provided for in this chapter into its official records.

(12) "Search of the files" means consultation of the file or the index to the file for the year in which the event is stated to have occurred. A consultation of the file or index to the file for two years on each side of the year in which the event is stated to have occurred shall be considered a part of the same search procedure when the record is not located in the stated year.

(13) "Spontaneous fetal death" means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.

(14) "State registrar" means the State Registrar of Vital Statistics.

(15) "System of vital statistics" means the registration, collection, preservation, amendment and certification of vital records; the collection of other reports required by this chapter, and activities related thereto including the tabulation, analysis and publication of vital statistics.

(16) "Vital records" means certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto.

(17) "Vital statistics" means the data derived from certificates and reports of birth, death, spontaneous fetal death, induced termination of pregnancy, marriage, dissolution of marriage and related reports. [Subsections (1) and (2) enacted as 1973 c.829 §15; 1983 c.709 §1]

432.010 Vital Statistics Unit; minimum standards. (1) The Health Division shall establish a Vital Statistics Unit which shall install, maintain and operate the system of vital statistics throughout this state in cooperation with appropriate units of local government.

(2) In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of certificates and reports required by this chapter or by rules adopted pursuant thereto shall include as a minimum the items recommended by the federal agency responsible for national vital statistics.

(3) Each certificate, report and other document required by this chapter shall be on a form or in a format prescribed by the state registrar.

(4) All vital records shall contain the date received for registration.

(5) Information required in certificates or reports authorized by this chapter may be filed and registered by photographic, electronic or other means as prescribed by the state registrar. [Amended by 1983 c.709 §2]

432.015 Administration and enforcement. The state registrar, under the supervision of the Assistant Director for Health, shall:

(1) In compliance with ORS 183.310 to 183.550, adopt rules necessary to the installation and efficient performance of an adequate system of vital and public health statistics including rules for the return of evidence affecting delayed certificates, or affecting alteration of a certificate, after the certificate has been filed with the state registrar.

(2) Administer and enforce the provisions of this chapter and the rules adopted pursuant thereto and issue instructions for the efficient administration of the system of vital statistics. [Amended by 1961 c.191 §4; 1983 c.709 §3]

432.020 State registrar; appointment. The Assistant Director for Health shall appoint the State Registrar of Vital Statistics who shall qualify in accordance with standards of education and experience as the assistant director shall determine. [Amended by 1973 c.829 §34; 1983 c.709 §26]

432.025 Assistant state registrars. The state registrar, with the approval of the assistant director, may appoint, when necessary, assistant state registrars who shall be assistants to the state registrar. [Amended by 1983 c.709 §27]

432.030 Duties of state registrar. The state registrar:

(1) Under the supervision of the Assistant Director for Health, shall have charge of the Vital Statistics Unit.

(2) Shall act as custodian of all certificates and records received by the Vital Statistics Unit.

(3) Shall have supervisory power over the local registrars and deputy local registrars.

(4) Shall conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics.

(5) With the approval of the division, shall prescribe, furnish and distribute such forms as are required by this chapter and the rules adopted pursuant thereto or prescribe other means for transmission of data to accomplish the purpose of complete and accurate reporting and registration.

(6) Shall prepare and publish reports of vital statistics of this state and such other reports as may be required.

(7) Shall provide to local health agencies such copies of or data derived from certificates and reports required under this chapter as the state registrar shall determine are necessary for local health planning and pro-

gram activities. The state registrar shall establish a schedule with each local health agency for transmittal of the copies or data.

(8) May delegate such functions and duties vested in the state registrar to employees of the Vital Statistics Unit and to employees of any office established or designated under ORS 432.035. [Amended by 1975 c.605 §22; 1983 c.709 §4]

432.035 County registrars. The state registrar shall designate for each county a county registrar. In consultation with the state registrar and the district medical examiner for that county, the county registrar may designate one or more deputy county registrars in any county. So far as practical, a county health official shall be designated county registrar. [Amended by 1983 c.709 §5; 1985 c.207 §3]

432.040 Duties of county and local registrars. The county and local registrars and their deputies shall:

(1) Comply with all instructions of the state registrar.

(2) Check upon the compliance by others with the provisions of this chapter and with the rules of the state registrar.

(3) Make an immediate report to the state registrar of any violation of this chapter or of the rules of the state registrar coming to their notice by observation or upon complaint of any person, or otherwise. [Amended by 1983 c.709 §28]

432.045 Fees for certificates. The state registrar may set the amount of the fees to be paid to each county or local registrar for every birth, death or fetal death certificate properly completed and received by the state registrar in accordance with the rules of the state registrar, and for each report that no birth, death or fetal death was registered in a calendar month. However, such amount shall not exceed \$1 per certificate or report. [Amended by 1971 c.16 §1; 1983 c.709 §29]

432.050 Procedure for payment of fees. The fees of county and local registrars due under ORS 432.045 shall be paid, upon certification by the state registrar, by the treasurer of the county in which the registration district is located, out of the general fund of the county. The state registrar shall periodically certify to the treasurer of the several counties the number of births, fetal deaths and deaths registered, with the names of the county and local registrars and the amount due each. [Amended by 1983 c.709 §30]

432.055 [Repealed by 1973 c.829 §71]

432.060 Records of mortality and morbidity studies confidential; exceptions; nonliability of informants. (1) All records of interviews, reports, studies,

and statements procured by or furnished to the Health Division, any federal health agency or any nonprofit health agency that is exempt from taxation under the laws of this state or procured by any agency, organization or person acting jointly with or at the request of the division or health agency, in connection with special morbidity and mortality studies, are confidential insofar as the identity of an individual patient is concerned. Such records may be used solely for the purpose of the studies.

(2) The furnishing of morbidity and mortality information to the division or health agency, to its authorized representatives or to any other agency, organization or person cooperating in a special study, does not subject any hospital, sanitarium, rest home, nursing home or other organization or person furnishing such information to an action for damages.

(3) Subsection (1) of this section does not prevent the division or a health agency from publishing:

(a) Statistical compilations and reports relating to special morbidity and mortality studies, if such compilations and reports do not identify individual cases and sources of information.

(b) General morbidity and mortality studies customarily and continuously conducted by the division or health agency that do not involve patient identification.

(4) Nothing in this section prevents disposition of records described in subsection (1) of this section pursuant to ORS 192.105. [1961 c.191 §§2, 3; 1983 c.709 §31]

432.075 Duty to furnish information to state registrar. Any person having knowledge of the facts shall furnish such information as the person may possess regarding any birth, death, spontaneous fetal death, induced termination of pregnancy, marriage, dissolution of marriage or annulment, upon demand of the state registrar. [1983 c.709 §23]

432.080 Copy of vital records furnished without charge for use in proceeding on war veteran's benefits. Notwithstanding ORS 432.146, the State Registrar of Vital Statistics shall furnish, without charge therefor, a certified copy of a vital record, as defined in ORS 432.005, to the United States Department of Veterans' Affairs, the Director of Veterans' Affairs or any county service officer appointed under ORS 408.410 when the record is requested by the agency or officer in connection with, or for use as evidence in, any proceeding involving a claim based upon war veterans' benefits. [1985 c.397 §1; 1991 c.67 §114]

Note: 432.080 and 432.085 were enacted into law by the Legislative Assembly but were not added to or made

a part of ORS chapter 432 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

432.085 Sale of birth and death certificate after person's death; rules. The Health Division shall adopt, taking into consideration local service needs and interests, rules to allow deputy registrars to sell a certified copy of a birth certificate and a death certificate for at least six months after a person's death. [1985 c.397 §2]

Note: See note after 432.080.

432.090 Issuance of additional birth certificate; fee; form; distribution of funds received. (1) In addition to the original birth certificate, the State Registrar of Vital Statistics shall issue upon request and upon payment of a fee of \$25 a birth certificate representing that the birth of the person named thereon is recorded in the office of the registrar. The certificate issued under this section shall be in a form consistent with the need to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the state printed thereon and may be signed by the Governor. It shall have the same status as evidence as the original birth certificate.

(2) Of the funds received under subsection (1) of this section, the amount needed to reimburse the registrar for expenses incurred in administering this section shall be credited to the Health Division Account. The remainder shall be credited to the Children's Trust Fund established under ORS 418.199. [1985 c.549 §10]

GENERAL PROVISIONS ON CERTIFICATION AND RECORDS; FEES

432.105 Procedure for transmitting and filing certificates. Each local registrar shall promptly transmit each birth certificate and each death certificate filed with the local registrar to the county registrar. The county registrar forthwith shall prepare an abstract of each death certificate and each birth certificate. The abstract of death shall contain as a minimum the full name of the decedent, the place and date of death and the name of the decedent's spouse, if any. The abstract of birth shall contain, as a minimum, the full names of the child and the parent or parents, sex of the child, the place and date of birth and the residence address of the parent or parents. Such abstract, if the office of the county registrar is in the county seat, shall be filed and indexed in alphabetical order and safely kept by the county registrar. If such records are not maintained in the county office, the registrar shall promptly file each such abstract with the county clerk who shall file and index the same in alphabetical order and safely keep

the record in the office of the county clerk. [Amended by 1973 c.829 §35; 1983 c.709 §32]

432.110 [Repealed by 1971 c.16 §3]

432.115 Form of records; status; disposition. To preserve vital records, the state registrar is authorized to prepare typewritten, photographic, electronic or other reproductions of certificates or reports in the Vital Statistics Unit. Such reproductions when certified by the state registrar shall be accepted as original records. The documents from which permanent reproductions have been made and verified may be disposed of as provided by rule. [Amended by 1983 c.709 §19]

432.119 Abstracts of birth and death certificates as public records; limitations.

(1) Abstracts of birth and death certificates as provided in ORS 432.105 are public records and open to public inspection except as provided in this section. The county registrar shall mark the abstract of birth in a manner designated by the state registrar to indicate that the record is not to be used by any person compiling a list for publication or a business contact list under the following conditions:

(a) If a birth certificate indicates any of the following:

(A) The fetus was dead at time of delivery.

(B) The father of the child is not identified or the surname of the father is at variance with that of the child.

(C) The infant dies after birth.

(D) Congenital malformation is reported.

(E) Maternal disability or death is indicated.

(b) If the parent of the infant requests that the record not be made available for publication or business contact lists.

(2) The division or local health department, as provided in ORS 431.416, may use any birth record or abstract as a source of information for activities necessary for the preservation of health or prevention of disease. [1973 c.829 §11; 1979 c.426 §1; 1983 c.709 §33]

432.120 Disclosure and certification of records limited. (1) To protect the integrity of vital records, to insure their proper use and to insure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any such record except as authorized by this chapter and by rules adopted pursuant thereto or by order of a court of competent jurisdiction. Rules adopted under this section shall provide for

adequate standards of security and confidentiality of vital records.

(2) The state registrar may authorize by rule the disclosure of information contained in vital records for research purposes.

(3) Appeals from decisions of custodians of vital records, as designated under authority of ORS 432.010, who refuse to disclose information or to permit inspection or copying of records as prescribed by this section and rules adopted pursuant thereto, shall be made under ORS 183.480 to 183.484.

(4) In accordance with this section and the rules adopted pursuant thereto:

(a) Upon receipt of a written application the state registrar shall issue a certified copy of a vital record in the custody of the state registrar or a part thereof to any applicant having a direct and tangible interest in the vital record. Each copy issued shall show the date of registration and copies issued from records marked "Delayed" or "Amended" shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate shall be shown on all copies issued. All forms and procedures used in the issuance of certified copies of vital records in the state shall be provided or approved by the state registrar.

(b) A certified copy of a vital record or any part thereof issued in accordance with paragraph (a) of this subsection, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein. However, the evidentiary value of a certificate or record filed more than one year after the event or a record which has been amended shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(c) The federal agency responsible for national vital statistics may be furnished copies or data from the system of vital statistics as it may require for national statistics if such federal agency shares in the cost of collecting, processing and transmitting such data and if such data shall not be used for other than statistical purposes by the federal agency unless so authorized by the state registrar.

(d) Upon request, a federal, state, local and other public or private agency, may be furnished copies or data from the system of vital statistics for statistical or administrative purposes upon such terms or conditions as may be prescribed by rule of the state registrar. The copies or data shall not be used for purposes other than those for which they were requested unless so authorized by the state registrar.

(e) The state registrar may transmit, by agreement, copies of records and other reports required by this chapter to offices of vital statistics outside this state when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the copies be used for statistical and administrative purposes only and the agreement shall further provide for the retention and disposition of the copies. Copies received by the Vital Statistics Unit from offices of vital statistics in other states shall be handled in the same manner as prescribed in this section.

(f) No person shall prepare or issue any certificate that purports to be an original, certified copy or copy of a vital record except as authorized in this chapter or rules adopted pursuant thereto. [Amended by 1983 c.709 §20]

432.122 Verification of birth certificate and death records. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the state registrar is authorized to match birth and death certificates, in accordance with written standards adopted by the state registrar to prove beyond a reasonable doubt the fact of death, and to post the facts of death to the appropriate birth certificate. Copies issued from birth certificates marked "deceased" shall be similarly marked. [1983 c.709 §24]

432.125 [Repealed by 1983 c.709 §45]

432.130 Compelling access to records. Any person who is refused an inspection of any record provided for in this chapter may proceed in the manner set forth in ORS 183.480 and 183.484 to seek access to the record. [Amended by 1983 c.709 §25]

432.135 [Amended by 1983 c.709 §9; renumbered 432.142]

432.140 Application for delayed certificates. (1) When a certificate of birth of a person born in this state has not been filed within the time period provided in ORS 432.205, a certificate of birth may be filed in accordance with rules of the state registrar. The certificate shall be registered subject to evidentiary requirements as the state registrar by rule shall prescribe to substantiate the alleged facts of birth.

(2) A certificate of birth registered one year or more after the date of birth shall be made on forms prescribed and furnished by the state registrar, marked "Delayed," and shall show on its face the date of the delayed registration.

(3) A summary statement of the evidence submitted in support of the delayed registration shall be indorsed on the certificate.

(4)(a) When an applicant does not submit the minimum documentation required by rule of the state registrar for delayed registration or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of birth and shall enter an order to that effect stating the reasons for the action. The state registrar shall advise the applicant of the right to appeal under ORS 183.480 and 183.484.

(b) The state registrar by rule may provide for the dismissal of an application which is not actively prosecuted. [Amended by 1983 c.709 §8]

432.142 Procedure when application for delayed certificate denied. (1) If application for a delayed certificate of birth is ordered rejected under ORS 432.140, the applicant may appeal the order under ORS 183.480 and 183.484.

(2) On appeal, the applicant shall allege:

(a) That the person for whom a delayed certificate of birth is sought was born in this state;

(b) That no certificate of birth of the person can be found in the Vital Statistics Unit or the office of any local custodian of birth certificates;

(c) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with ORS 432.140 and rules adopted pursuant thereto;

(d) That the state registrar has refused to register a delayed certificate of birth; and

(e) Such other allegations as may be required under ORS 183.480 and 183.484.

(3) The petition shall be accompanied by the statement of the state registrar accompanying the order made in accordance with ORS 432.140 and all documentary evidence which was submitted to the state registrar in support of the registration.

(4) If the court finds, from the evidence presented, that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as to the place and date of birth, parentage and such other findings as may be required and shall issue an order, on a form prescribed and furnished by the state registrar, to establish a certificate of birth. This order shall include the birth data to be registered, a description of the evidence presented and the date of the court's action.

(5) The clerk of the court shall forward each order to the state registrar not later than the 10th day of the calendar month following the month in which it was entered.

The order shall be registered by the state registrar and shall constitute the certificate of birth. [Formerly 432.135]

432.145 [Amended by 1957 c.339 §1; 1971 c.16 §2; 1979 c.696 §1; 1983 c.709 §21; repealed by 1991 c.245 §1 (432.146 enacted in lieu of 432.145)]

432.146 Fees. Subject to the review of the Executive Department, the division shall establish all fees for services or records provided under ORS 432.005 to 432.175. The fees and charges established under this section shall be authorized by the Legislative Assembly for the division's budget, as the budget may be modified by the Emergency Board. [1991 c.245 §2]

432.150 [Amended by 1957 c.185 §1; repealed by 1983 c.709 §45]

432.155 [Repealed by 1979 c.696 §14]

432.160 [Repealed by 1971 c.743 §432]

432.165 Death records. (1) All superintendents or managers or other persons in charge of institutions shall keep a record of personal data concerning each person admitted or confined to the institution. This record shall include such information as required for the certificates of birth and death and the reports of spontaneous fetal death and induced termination of pregnancy required by this chapter. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

(2) When a dead body or dead fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released and the date of removal from the institution. If final disposition is made by the institution, the date, place and manner of disposition shall also be recorded.

(3) A funeral service practitioner, embalmer, sexton or other person who removes from the place of death, transports or makes final disposition of a dead body or fetus, in addition to filing any certificate or other report required by this chapter or rules adopted pursuant thereto, shall keep a record which shall identify the body, and such information pertaining to receipt, removal, delivery, burial or cremation of the body as may be required by rules adopted by the state registrar.

(4) A medical examiner or a physician authorized by law to sign a death certificate who is notified of the death of a person not

under the care of institutions shall keep a record.

(5) Copies of records described in this section shall be sent to the state registrar at least monthly. Records maintained under this section shall be retained by the institution, medical examiner or physician and the persons described in subsection (3) of this section for a period of not less than two years and shall be made available for inspection by the state registrar or a representative of the state registrar upon demand. [Amended by 1983 c.709 §22; 1985 c.207 §4]

432.175 Vital statistics certificates and copies as evidence; admissibility of delayed certificates. (1) Each certificate provided for in this chapter, filed within one year after the time prescribed for its filing, shall be prima facie evidence of the facts stated. Data pertaining to the father of a child are evidence if the alleged father is, or becomes, the husband of the mother in a legal marriage. If not, the data pertaining to the father are not evidence in any civil or criminal proceeding adverse to the interests of the alleged father, the heirs, devisees or other successors in interest of the father, if the paternity is controverted.

(2) The contents, or part of the contents, and the due execution of any certificate on file in the Vital Statistics Unit, may be evidenced by a copy of the material in the certificate, as certified by the State Registrar of Vital Statistics. The certified copies shall be admitted as evidence the same as the originals.

(3) The admissibility in evidence of a "delayed" certificate shall be subject to the discretion of the court, judicial or administrative body or official to whom that certificate is offered. [Formerly 43.380; 1983 c.709 §34; 1985 c.565 §71]

Note: 432.175 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 432 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

RECORDS OF BIRTHS; CERTIFICATION OF UNRECORDED BIRTHS

432.205 Compulsory registration of births; persons required to file. (1)(a) A certificate of each live birth which occurs in this state shall be filed with the local registrar of the registration district in which the birth occurred, within seven days after the birth, by either the physician or any other person in attendance at or immediately after the birth or, if not so attended, by one of the parents or in the absence of the father and the inability of the mother, the person

in charge of the premises where the birth occurred.

(b) Any birth certificate not containing the name of the father or on which the surname of the father is at variance with that of the child, at the request of either parent, may be filed with the state registrar and not with the registrar of the district in which the birth occurred.

(2) When a birth occurs in an institution or en route thereto, the person in charge of the institution or the designated representative of the person shall obtain the personal data, prepare the certificate, secure the signatures required and file the certificate as directed in subsection (1) of this section or as otherwise directed by the state registrar within the required seven days. The physician or other person in attendance shall provide the medical information required by the certificate and certify to the facts of birth within 72 hours after the birth. If the physician, or other person in attendance, does not certify to the facts of birth within the 72-hour period, the person in charge of the institution or the designee of the person shall complete and sign the certificate.

(3) When a birth occurs on a moving conveyance:

(a) Within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth.

(b) While in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the certificate shall show the actual place of birth insofar as can be determined.

(4) If the mother is not married at the time of birth, the name of the father shall not be entered on the certificate unless:

(a) The mother was married to and cohabiting with her husband at the time of conception, in which case the husband's name shall be entered on the certificate, provided that the husband was not impotent or sterile; or

(b) Both the father and mother have filed an affidavit of paternity with the registrar.

(5) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(6) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(7) For a child born to a married woman as a result of artificial insemination with consent of her husband, the husband's name shall be entered on the certificate.

(8) Either of the parents of the child, or other informant, shall attest to the accuracy of the personal data entered on the certificate in time to permit the filing of the certificate within the seven days prescribed in subsection (1) of this section. [Amended by 1979 c.426 §2; 1983 c.709 §6]

432.210 [Repealed by 1983 c.709 §45]

432.215 Supplementary report furnishing data omitted on original certificate. The state registrar by rule shall prescribe the time within which a supplementary report furnishing information omitted on the original certificate may be returned for the purpose of completing the original certificate. Certificates of birth completed by a supplementary report shall not be considered as delayed. [Amended by 1983 c.709 §35]

432.220 [Repealed by 1983 c.709 §45]

432.230 When new certificate issued; contents; amendment upon adoption; delayed certificate. (1) The state registrar shall establish a new certificate of birth for a person born in this state when the state registrar receives either of the following:

(a) A report of adoption as provided in ORS 432.415 or a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth. A new certificate of birth shall not be established if the court decreeing the adoption, the adoptive parents or the adopted person so request.

(b) A request that the surname be changed, and that a new certificate be established as prescribed by rule of the state registrar, when accompanied by evidence as required by rule proving that:

(A) Such person has been legitimated;

(B) That a court of competent jurisdiction has determined the paternity of such a person; or

(C) That both parents have acknowledged the paternity of such person.

(2) When a new certificate of birth is established, the actual place and date of birth shall be shown. The new certificate shall be substituted for the original certificate of birth in the files, and the original certificate of birth and the evidence of adoption, legitimation, paternity determination or paternity acknowledgment shall not be subject to inspection except upon order of a court of

competent jurisdiction or as provided by rule of the state registrar.

(3) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by rule of the state registrar.

(4) Upon receipt of a report or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the adoption certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by rule of the state registrar.

(5) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, and the date and place of birth have not been determined in the adoption or paternity proceedings, a delayed certificate of birth shall be filed with the state registrar as provided in ORS 432.140 and 432.142, before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form.

(6) When a new certificate of birth is established by the state registrar, all copies of the original certificate of birth in the custody of any other custodian of vital records in this state shall be sealed from inspection or forwarded to the state registrar as the state registrar shall direct. [1983 c.709 §11a]

432.255 [Repealed by 1983 c.709 §45]

432.260 [Amended by 1981 c.6 §1; repealed by 1983 c.709 §45]

432.265 [Repealed by 1983 c.709 §45]

432.270 [Repealed by 1983 c.709 §45]

432.275 [Repealed by 1983 c.709 §45]

432.280 [Repealed by 1983 c.709 §45]

432.290 Amendment of birth certificate. (1) A certificate or report registered under this chapter may be amended only in accordance with this chapter and rules adopted pursuant thereto to protect the integrity and accuracy of vital records.

(2) A certificate or report that is amended under this section shall be marked "Amended," except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be indorsed on or made a part of the record. The state registrar by rule shall prescribe the conditions under which additions or minor corrections may be made to certificates or records within one year after the date of the event without the certificate or record being marked "Amended."

(3) Upon written request of both parents and receipt of a sworn acknowledgment of paternity signed by both parents of a child

born out of wedlock, the state registrar shall amend the certificate of birth to show such paternity if paternity is not already shown on the certificate of birth. Such certificate shall not be marked "Amended."

(4) Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or if the person is a minor or incompetent, the parents, guardian or legal representative of the person, the state registrar shall amend the certificate of birth to show the new name.

(5) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and, if applicable, that such individual's name has been changed by court order, the certificate of birth of such individual shall be amended as prescribed by rule of the state registrar.

(6) When an applicant does not submit the minimum documentation required by rule of the state registrar for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of appeal under ORS 183.480 and 183.484.

(7) When a certificate or report is amended under this section, the state registrar shall report the amendment to any other custodians of the vital record and their record shall be amended accordingly. [1981 c.221 §3; 1983 c.709 §18]

DETERMINATION OF DEATH

432.300 Determination of death. (1) A person is dead if the person has sustained either:

(a) Irreversible cessation of circulatory and respiratory functions; or

(b) Irreversible cessation of all functions of the entire brain, including the brain stem.

(2) A determination of whether the conditions described in paragraph (a) or (b) of subsection (1) of this section have occurred must be made in accordance with accepted medical standards.

(3) This section shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this section among states enacting it.

(4) This section may be cited as the Uniform Determination of Death Act. [1987 c.517 §2 (enacted in lieu of 146.001)]

432.305 [Repealed by 1963 c.200 §6]

DEATH CERTIFICATES; BURIAL PERMITS

432.307 Compulsory filing of death certificates; persons required to file; fee.

(1) A certificate of death for each death which occurs in this state shall be filed with the district registrar of the district in which death occurred or with the Vital Statistics Unit, or as otherwise directed by the state registrar, within five days after death and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.

(a) If the place of death is unknown, but the dead body is found in this state, a certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

(b) When death occurs in a moving conveyance:

(A) In the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death.

(B) While in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

(2) The funeral service practitioner or person acting as such who first assumes custody of the dead body shall file the death certificate. The funeral service practitioner or person acting as such shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor.

(3) The medical certification of the death shall be completed, signed and returned to the funeral service practitioner within 48 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by ORS chapter 146. In the absence of a physician or with the approval of the physician, the certificate shall be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred or the physician who performed an autopsy upon

the decedent, if such individual has access to the medical history of the case, views the deceased at or after death and death is due to natural causes.

(4) When inquiry is required by ORS chapter 146, the medical examiner shall determine the cause of death and shall complete and sign the medical certification within 48 hours after taking charge of the case.

(5) If the cause of death cannot be determined within 48 hours after death, the medical certification shall be completed as provided by rule of the state registrar. The attending physician or medical examiner shall give the funeral service practitioner or person acting as such notice of the reason for the delay and final disposition of the body shall not be made until authorized by the attending physician or medical examiner.

(6) When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be registered by the state registrar upon receipt from the State Medical Examiner. Such a death certificate shall be marked "Presumptive" and shall show on its face the date of registration.

(7) When a death occurring in this state has not been registered within the time period prescribed by this section, a certificate of death may be filed in accordance with rules of the state registrar. The certificate shall be registered subject to evidentiary requirements as the state registrar by rule shall prescribe to substantiate the alleged facts of death.

(8) A certificate of death registered one month or more after the date of death shall be marked "Delayed" and shall show on its face the date of the delayed registration.

(9) The state registrar who accepts the final filing of the death certificate shall collect a fee of \$5 to be deposited to the credit of the Health Division Account to be used in the same manner as funds credited to the account under ORS 692.375. [1963 c.200 §2; 1965 c.221 §26; 1977 c.582 §33; 1983 c.709 §12; 1985 c.207 §5]

Note: Section 1, chapter 169, Oregon Laws 1989, provides:

Sec 1. Notwithstanding ORS 432.307, for the period commencing January 1, 1991, and ending June 30, 1993, the fee authorized by ORS 432.307 (9) shall be \$7. [1989 c.169 §1]

432.310 [Amended by 1959 c.629 §32; repealed by 1963 c.200 §6]

432.315 [Amended by 1959 c.629 §33; repealed by 1963 c.200 §6]

432.317 Report upon receipt of body or fetus; authorization for final disposition.

(1) The funeral service practitioner or person acting as a funeral service practitioner who first assumes possession of a dead body or

fetus shall make a written report to the registrar of the district in which death occurred or in which the body was found within 24 hours after taking possession of the body or fetus. The report shall be on a form prescribed and furnished by the state registrar and in accordance with rules adopted by the division.

(2) Prior to final disposition of the body, the funeral service practitioner or person acting as funeral service practitioner who first assumes custody of a dead body shall obtain written authorization for final disposition of the body from the physician or medical examiner who certifies the cause of death as provided in ORS 432.307 (3) on a form prescribed and furnished by the state registrar. If such practitioner or person is unable to obtain such written authorization prior to final disposition of the body, the practitioner or person, with the oral consent of the physician, the medical examiner or a licensed health professional authorized to give such consent on behalf of the physician or medical examiner who is responsible for certifying the cause of death, may authorize final disposition of the body on a form prescribed and furnished by the state registrar.

(3) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral service practitioner, the person in charge of the institution or other person assuming responsibility for final disposition of the fetus shall authorize final disposition of the dead fetus on a form prescribed and furnished or approved by the state registrar.

(4) With the consent of the physician or medical examiner who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition.

(5) An authorization for final disposition issued under the laws of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

(6) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.

(7) Each person in charge of any place for final disposition shall include in the authorization the date of disposition and shall sign and return all authorizations to the state registrar within 10 days after the date of the disposition. When there is no person in charge of the place for final disposition, a responsible party other than the funeral service practitioner or person acting as such

shall also indorse the authorization and shall return the authorization to the state registrar within 10 days after the date of disposition.

(8) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral service practitioner or person acting as such, upon proper application. [1963 c.200 §3; 1983 c.709 §16; 1985 c.207 §6; 1987 c.252 §9; 1989 c.669 §2]

432.320 [Repealed by 1963 c.200 §6]

432.325 [Repealed by 1963 c.200 §6]

432.327 Authority to grant extensions on certificates and permits. Upon such conditions as the state registrar may prescribe to assure compliance with the purposes of this chapter, by rule the state registrar may, provide for the extension, not to exceed 60 days, of the periods prescribed in ORS 432.307 and 432.317 for the filing of death and fetal death certificates, medical certifications of cause of death, and for the obtaining of permits for disposition of human remains in cases where compliance with the applicable prescribed period would result in undue hardship. [1963 c.200 §4; 1983 c.709 §36]

432.330 [Repealed by 1963 c.200 §6]

432.333 Reports on fetal deaths. (1) Each spontaneous fetal death of 20 completed weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, which occurs in this state shall be reported within five days after delivery to the Vital Statistics Unit or as otherwise directed by the state registrar. All induced terminations of pregnancy shall be reported in the manner prescribed in ORS 435.496 and shall not be reported as spontaneous fetal deaths:

(a) When a dead fetus is delivered in an institution, the person in charge of the institution or a designated representative of the person in charge shall prepare and file the report.

(b) When a dead fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and file the report.

(c) When a spontaneous fetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery or when inquiry is required by ORS 146.003 to 146.165 and 146.710 to 146.992, the medical examiner shall investigate the cause of fetal death and shall prepare and file the report.

(d) When a spontaneous fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this state or when a dead fetus is found in this

state and the place of fetal death is unknown, the fetal death shall be reported in this state. The place where the fetus was first removed from the conveyance or the dead fetus was found shall be considered the place of fetal death.

(2) Statistical information regarding the father shall be entered on the spontaneous fetal death report if the father is identifiable as provided in ORS 432.205. [1983 c.709 §13; 1989 c.171 §54]

432.335 [Repealed by 1963 c.200 §6]

432.337 Status of reports under ORS 432.333 and 435.496. The reports required under ORS 432.333 and 435.496 are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital statistics. A schedule for the disposition of these reports may be provided by rule of the state registrar. [1983 c.709 §15]

432.340 [Repealed by 1963 c.200 §6]

432.345 [Repealed by 1983 c.709 §45]

RECORDS OF MARRIAGES, DIVORCES, ADOPTIONS, ANNULMENTS, FOUNDLINGS

432.405 Report of marriages and divorces. (1) A record of each marriage performed in this state shall be filed with the Vital Statistics Unit and shall be registered if it has been completed and filed in accordance with this section.

(2) The county clerk who issues the marriage license shall prepare the record on the form prescribed and furnished by the state registrar upon the basis of information obtained from the parties to be married.

(3) Each person who performs a marriage ceremony shall certify the fact of marriage and return the record to the official who issued the license within 10 days after the ceremony.

(4) Every official issuing marriage licenses shall complete and forward to the Vital Statistics Unit on or before the 10th day of each calendar month the records of marriages returned to such official during the preceding calendar month.

(5) A marriage record not filed within the time prescribed by this section may be registered in accordance with rules of the state registrar.

(6) A record of each dissolution of marriage or annulment granted by any court in this state shall be filed by the clerk of court with the Vital Statistics Unit and shall be registered if it has been completed and filed in accordance with this section. The record

shall be prepared by the petitioner or a legal representative of the petitioner on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases the completed record shall be prerequisite to the granting of the final decree.

(7) The clerk of the court shall complete and forward to the Vital Statistics Unit on or before the 10th day of each calendar month the records of each dissolution of marriage or annulment decree granted during the preceding calendar month. [Amended by 1983 c.709 §17]

432.410 [Repealed by 1959 c.430 §5]

432.415 Reports on adoptions. (1) For each adoption decreed by a court of competent jurisdiction in this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, shall provide information necessary to establish a new certificate of birth of the person adopted, and shall identify the order of adoption and be certified by the clerk of the court.

(2) Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the attorney of the petitioner. The Children's Services Division or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.

(3) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

(4) Not later than the 10th day of each calendar month or more frequently, as directed by the state registrar, the clerk of the court shall forward to the state registrar reports of decrees of adoption, annulment of adoption and amendments of decrees of adoption which were entered in the preceding month, together with such related reports as the state registrar shall require.

(5) When the state registrar receives a report of adoption, annulment of adoption or amendment of a decree of adoption for a person born outside this state, the state registrar shall forward such report to the state registrar in the state of birth. [Amended by 1959 c.430 §2; 1983 c.709 §10]

432.420 Access to adoption records. The documents sealed under ORS 432.415 may be opened by the State Registrar only upon an order of a court of competent jurisdiction or when requested by an agency operating a voluntary adoption registry as defined in ORS 109.425 for the purpose of facilitating the identification of persons registering under the provisions of ORS 109.425 and 109.435 to 109.500. [Amended by 1957 c.193 §1; 1983 c.672 §18]

432.425 [Amended by 1955 c.680 §1; repealed by 1983 c.709 §45]

432.430 Duty to report on infant of unknown parentage. (1) A person who assumes the custody of a live born infant of unknown parentage shall report within seven days of assuming custody, on a form and in a manner prescribed by the state registrar, to the local registrar of the registration district in which such custody is assumed, the following information:

- (a) Date of finding or assumption of custody.
- (b) Place of finding or assumption of custody.
- (c) Sex.
- (d) Color or race.
- (e) Approximate birth date of child.

(f) Name and address of the person or institution with whom the child has been placed for care.

(g) Name given to the child by the custodian of the child.

(h) Other data required by the state registrar.

(2) The place where the child was found shall be entered as the place of birth.

(3) The report registered under this section shall constitute the certificate of birth for the child.

(4) If the child is identified and a certificate of birth is found or obtained, the report registered under this section shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by rule of the state registrar. [Amended by 1983 c.709 §7]

PENALTIES

432.990 Penalties. (1) Except as otherwise provided in this section, violation of any of the provisions of this chapter is punishable, upon conviction, by a fine of not more than \$100.

(2) Violation of ORS 432.317 is punishable, upon conviction, by a fine of not more than \$500. [Amended by 1963 c.200 §5; 1971 c.743 §369]